

ORIGINAL



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To: ACC and all Parties Involved

In matter of the application by potential customer Steven P Prahin  
Doc # NO W-03514A-05-0352

Reply to ACC Staff's finding July 13, 2005

I would like to take this time to explain my position on the water moratorium. I agree that Geronimo Est. & Elusive AC are both served by Payson Water Co. Where I seek to initiate service is with in Elusive AC which is a separate subdivision which had CCR's and an inactive HOA at this time. Elusive AC consists of thirty lots and three common areas owned by property owners: Please see attached showing common areas with well and storage tank area along with map and exhibit B stating that United Utilities would supply domestic water for the thirty lots. This information was obtained form the AZ Department of Real Estate reference No. 25,091. Elusive AC Property owners are taxed on three areas; it is my understanding that this well serves meters outside of Elusive AC. It is also my understanding after conversation with property owner of lot 26 Elusive AC he received his water meter November of 2004. Mr. Larson stated no variance was required, he simply called and service was activated. Lot #2 of Elusive AC also had a meter set in the last 12 months with no issues in docket No. W-01993A-04-0429 decision No. 67747 paragraph 9, the staff indicates there are two wells producing a total of 16 gpm. It was stated that the staff concluded that the data shows the Geronimo System could adequately serve up to 88 service connections during the peak month. On May 3, 2005 the Payson Water Co submitted its annual report for year ending 12-31-2004. This report indicates Geronimo Water System produces 36.6 gpm, this being twice the amount which the staff indicated that would serve 88 services. With this being said I hope the commission finds to deviate his recent decision for no additional connections within the Geronimo Water System.

The property owners of Geronimo Est. and Elusive AC , as well as surrounding communities pulled together to build a fire hall for fire protection, both personal and wild fire fighting capability. There was over \$45,000 donated through public response land basically donated to build the fire hall and grants. The building and trucks are in place, the water box is in place, the meter to supply water to the fire hall is not at this time. I feel it is reasonable and in the publics interest under the circumstance to allow for additional services.

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Respectfully,

*Steven P Prahin*  
Steve Prahin 08-07-05

**ARIZONA**  
**SUBDIVISION PUBLIC REPORT**

For  
ELUSIVE ACRES  
A SUBDIVISION OF A PORTION OF HOMESTEAD ENTRY SURVEY  
NO. 47, IN SECTION 20, TOWNSHIP 11 1/2 NORTH, RANGE 10 EAST  
OF THE G.&S.R.B.&M.  
GILA COUNTY, ARIZONA  
REFERENCE NO. 25,091

**DEVELOPER**  
MARK BOROSKI AND JUDITH BOROSKI  
P. O. Box 1465  
Payson, Arizona 85547

OCTOBER 28, 1988  
Effective Date

**STATE PROPERTY REPORT DISCLAIMER**

This report is NOT A RECOMMENDATION NOR AN ENDORSEMENT by the State of Arizona of this land.

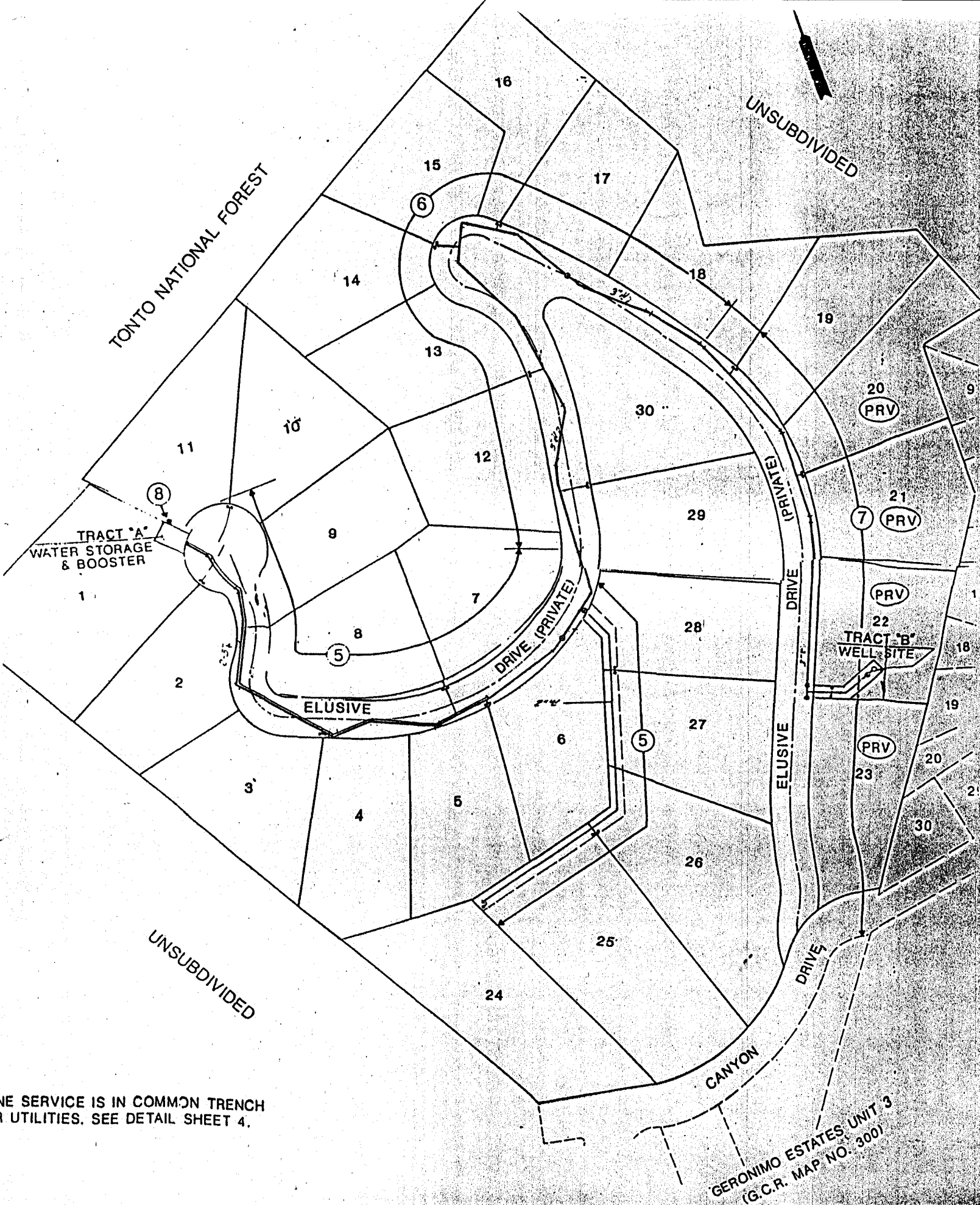
This report reflects information provided by the developer and obtained by the department in its review process in accordance with the provisions of Title 32, Chapter 20, Article 4, of the Arizona Revised Statutes, as amended.

**SPECIAL NOTES:**

1. PLAT OF SURVEY FOR THIS DEVELOPMENT IS RECORDED IN MAP NO. 626 RECORDS OF GILA COUNTY, ARIZONA. YOU ARE ADVISED TO OBTAIN A COPY OF SAID MAP AND NOTE ALL EASEMENTS, RESTRICTIONS AND STATEMENTS CONTAINED THEREON.
2. THIS REPORT INCLUDES LOTS 1 THROUGH 30 INCLUSIVE.
3. PURCHASERS ARE ADVISED THAT THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THIS SUBDIVISION PROVIDE FOR AN ARCHITECTURAL CONTROL COMMITTEE.
4. THE DEVELOPER ADVISES THAT COMMON AREAS INCLUDED IN THIS OFFERING ARE THREE TRACTS (A,B,C) TO BE COMMONLY OWNED BY ELUSIVE ACRES HOMEOWNERS ASSOCIATION. TR. A (0.4 ac) IS FOR WATER STORAGE & PRESSURE TANKS; Tr.B (0.049 ac) IS THE WELL SITE; Tr.C is ELUSIVE DRIVE, THE PRIVATE ROAD FOR ACCESS AND UTILITIES. THERE ARE NO RECREATIONAL FACILITIES.
5. THE DEVELOPER ADVISES THAT ELUSIVE ACRES AND ADJACENT GERONIMO ESTATES SUBDIVISION BORDER U.S. FOREST LANDS WHICH ARE LEASED FOR LIVESTOCK GRAZING. NO PROVISIONS HAVE BEEN MADE FOR FENCING. THE RANCHER/LESSEE OR LESSOR IS RESPONSIBLE FOR FENCING AND MAINTAINING FENCES IN THEIR LEASE ALLOTMENT.
6. PURCHASERS ARE ADVISED THAT A 15,000 GALLON WATER STORAGE TANK IS LOCATED ON TRACT 'A' AND IS ADJACENT TO LOTS 1 AND 11, AN ELECTRIC WATER PUMP IS LOCATED ON TRACT 'B' AND IS ADJACENT TO LOTS 22 AND 23;

TONTO NATIONAL FOREST

UNSUBDIVIDED



WATER SERVICE IS IN COMMON TRENCH  
UTILITIES. SEE DETAIL SHEET 4.

GERONIMO ESTATES UNIT 3  
(G.C.R. MAP NO. 300)

EXHIBIT "B"

Pursuant to A.R.S. 45-108, Burgess and Niple, Inc., have provided the Department of Water Resources with information on the water supply for the referenced subdivision in Section 20, T11 1/4N, R10E, G&S R B&M.

Water for domestic use will be provided to each of the 30 lots in the subdivision by the United Utilities Company.

Adequacy of the water supply was reviewed by the Department considering quantity, quality, and dependability. The subdivision is located along the control road just under the Mogollon Rim midway between Whispering Pines and State Route 87, four miles East of Payson. Essentially, very little is known about the groundwater potential of the area, although it is limited. There are successful wells in the area supplying current demand, but it is not known what effect this demand is having on the groundwater supply, let alone if it is adequate for additional developments in the area. The lifetime of the subdivision's water supply is, therefore, unknown. Thus, based on the failure to demonstrate adequacy and recognizing the limited extent of the area's supplies, the water supply is judged inadequate.

A.R.S. 32-2181F requires a summary of the Department's report for dry lot subdivisions or those with an inadequate water supply be included in all promotional material and contracts for sale of lots in the subdivision. We suggest the following synopsis:

"Elusive Acres is a residential subdivision being sold with a domestic water supply furnished by the United Utilities Company. However, the subdivision is located in a part of Arizona with limited groundwater supplies, and it is now known what effect the present demand is having on those limited supplies. Lack of such knowledge does not allow comparison of the projected supply lifetime to the Department of Water Resources' 100-year lifetime criteria. Therefore, the lifetime of the subdivision's water supply is unknown. In the absence of a demonstration of adequacy, the Department finds the subdivision's onsite water supply to be inadequate.

The developer, pursuant to A.R.S. 32-2181F, may suggest a different summary of this report, but it must contain the above elements and/or the Department's findings. Any change to the above subdivision or the water supply plans may invalidate this decision.

This letter constitutes the Department's report on this subdivision's water supply and is being forwarded to your office as required by A.R.S. 45-108. This law requires the developer to hold recordation of the above subdivision's plat until receipt of the Department's report on the subdivision's water supply. By copy of this report, the Gila County Recorder is being officially notified of the developer's compliance with the law.